

Legal Avenues: Your Road to Solutions

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Alternatives to Traditional Lawyering: Navigating New Opportunities in the Sharing Economy

Language, like the law, is a constantly evolving reflection of our cultural trends and attitudes, so it's no surprise that the term "sharing economy" officially entered the English lexicon earlier this year after it was adopted into Oxford's online modern usage dictionary.¹ Referring to the rise of micro-entrepreneurship and the radical shift in how goods, information, and services are consumed, the sharing economy model has been embraced as an alternative (or supplement) to traditional employment by individuals hailing from a variety of professional backgrounds.

Several recent surveys have concluded that about 20 to 30 percent of the US workforce currently earns at least some income through various forms of self-employment.² Among attorneys in particular, freelance activity has increased by over 50 percent in at least 10 states since 2009, spurred in part by lopsided law school graduate to legal job opportunity ratios. (Ohio's ratio in 2013 was roughly 3:1, for example).³ Cloud computing and other mobile technologies have also increased the feasibility and attractiveness of telecommuting on the freelance market.⁴ This article will explore the variety of ways and reasons why attorneys are engaging in the sharing economy to customize, grow, and take charge of their legal careers.

Mixed Motivations

In some cases, temporary, contract-based legal work is a necessity when new attorneys enter a scarce job market or seasoned attorneys find themselves between jobs, but many individuals are voluntarily leaving firms and/or accepting freelance work on the side for a number of other reasons:

- the safety net of a second income in uncertain times
- the ability to develop a niche practice area
- the freedom to steer clear of difficult clients
- the desire to focus on the intellectual side of the law⁵
- the need for greater work/life balance (particularly for par-

ents, caregivers, rural lawyers, and military spouse attorneys)⁶

Existing Models of Independence

Just as varied are the options individuals have when it comes to establishing themselves in the freelance legal market. Attorneys can still go the "old-fashioned" route and find hourly contract work through a third party—especially since firms are increasingly advertising their outsourced positions online rather than with local staffing agencies, often making allowances for telecommuting. However, these opportunities are usually limited to basic clerical tasks, like document review and appearances.⁷

A newer development is the rise of lawyers' networks that connect lawyers and firms with carefully vetted freelance attorneys who go on to remotely assist with more highly specialized legal assignments. This option is particularly attractive because the network handles all the marketing in exchange for a small commission of their affiliate attorneys' earnings, lifting a huge burden off individuals who would otherwise have to spend time marketing themselves.⁸

Building a solo freelance practice certainly isn't impossible, but it usually takes years of relentless marketing and networking.⁹ Attorneys that specialize in niche practice areas, however, have found success in marketing themselves as consultants to other attorneys and providing legal advice seminars to the public.¹⁰

Freelance Finances

No matter the scale or duration of an attorney's freelance endeavors, complying with liability insurance and tax requirements is a must. Developing a financial plan that takes health care and retirement costs into account, especially for those pursuing full-time freelance status, will also pay off in the long run.¹¹ Finally, strong contract agreements that define compensation, dispute resolution, and work-product ownership provide an extra layer of financial protection.¹²

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Footnotes

¹Steinmetz, Katy. "Oxford Dictionaries Adds *Janky*, *EGOT* and *Ridesharing*" *Time*. 26 Feb. 2015. Accessed 1 Dec 2015. Available at: <http://time.com/3724601/oxford-dictionary-janky-egot-ridesharing/>.

²RWile, Rob. "How Big Is the Freelance Economy? Depends Whom You Ask" *Fusion*. 1 Oct. 2015. Accessed 1 Dec 2015. Available at: <http://fusion.net/story/207495/freelancer-jobs-by-the-numbers/>.

³Wright, Joshua. "The Oversaturated Job Market for Lawyers Continues and On-the-Side Legal Work Grows" *EMSI* 10 Jan. 2014. Accessed 1 Dec. 2015. Available at: <http://www.economicmodeling.com/2014/01/10/the-oversaturated-job-market-for-lawyers-continues/>.

⁴Gratz, Emerald. "How to Start a Freelance Law Practice" *Lawyerist*. 14 Jan 2014. Accessed 1 Dec 2015. Available at: <https://lawyerist.com/71389/start-freelance-law-practice/>.

⁵Koepecke, Beth. "Practicing Law Without Clients" *Wisconsin Lawyer*. 71 (Feb 1998): 29.

⁶Volkman, Lori. "Their Own Battlefield: Roving Military Spouse Attorneys" *Orange County Lawyer*. 54 (Nov 2012): 18-19.

⁷Gratz.

⁸Filisko, G. M. "Freelance Law: Lawyers' Network Helps These Women Keep a Hand in the Workforce" *ABA Journal*. 1 Aug. 2011. Accessed 1 Dec 2015. Available at: <http://www.abajournal.com/magazine/article/freelance-law-lawyers-network-helps-these-women-keep-a-hand-in-the-workforce>.

⁹Ambrogi, Robert. "A Thorough Guide to Freelance Lawyering" *LawSites*. 16 Mar 2012. Accessed 1 Dec 2015. Available at: <http://www.lawsitesblog.com/2012/03/a-thorough-guide-to-freelance-lawyering.html>.

¹⁰Johnson, Cat. "Profiles in Sharing: Janelle Orsi, the Sharing Economy Lawyer" *Shareable*. 23 July 2013. Accessed 1 Dec 2015. Available at: <http://www.shareable.net/blog/profiles-in-sharing-janelle-orsi-the-sharing-economy-lawyer>.

¹¹Franklin, Scott B. "Practicing on Your Own Short-Term? What to Do While Seeking Permanent Work" *Wisconsin Lawyer*. 86 (Oct 2013): 47-48.

¹²Gratz.